

REMARKS

The Examiner is thanked for the indication that claim 10 is allowable if rewritten in independent form.

Claims 1, 3, 5-9, 11, and 31 remain pending in the instant application. Claims 1-9 and 11 presently stand rejected. Claims 1, 3, 5, 8, and 9 are amended herein. Claims 2, 4, and 10 are hereby cancelled without prejudice. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1-9 and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tohyama et al. (US 5,889,913). Claims 1-5 and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wakejima et al. (2002/0025664). Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Hirano (US 5,939,737). Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Nuyen et al. (FR 2,542,921).

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the claim.” M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

Independent claim 1 has been amended to include recitation of the first and second etching substances previously recited in allowable claim 10. The Examiner indicated that claim 10 included allowable subject matter, and would be allowed if rewritten in independent form. *Office Action* mailed 02/09/06, page 4, section 7. Accordingly, the allowable subject matter of claim 10 and subject matter of intervening claims 2, 4, and 9 have been included into independent claim 1.

Consequently, the cited prior art fails to disclose each and every element of claim 1, as required under M.P.E.P. § 2131. Accordingly, Applicants request that the instant §102 rejections of claim 1 be withdrawn.

The dependent claims are novel over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 102 rejections of the dependent claims be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date:

March 23, 2006



Cory G. Claassen

Reg. No. 50,296

Phone: (206) 292-8600